

## **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 1 through 15 and 23 through 26 are currently pending in the application. Claims 1 and 9 have been amended and Claims 27 and 28 have been added. Basis for the amendments and support for the new claims can be found throughout the application and drawings as originally filed and as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the above amendments and remarks set forth below.

### **Claim Amendments**

Claims 1 and 9 have been amended to correct various typographical errors contained in the last amendment. Newly presented Claims 27 and 28 are presented herein to provide the Applicants with a scope of protection commensurate with their contribution to the art. Bases for the amendments and support for the new claims can be found throughout the application and drawings as originally filed so that no new matter has been presented herein.

### **Claim Rejections Under 35 U.S.C. §§102 & 103**

Claims 1 through 4, 6 through 11, 13 through 15, 25 and 26 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,692,574 to Terada. Claims 5, 12, 23 and 24 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,692,574 to Terada. These rejections are respectfully traversed.

Claims 1 and 9 of the present application are generally directed to a portable power tool having a housing structure with a molded portion and an overmold portion that is overmolded onto at least a portion of the molded portion.

In contrast, the '574 patent to Terada employs a discrete and independently formed rubber ring (30). The rubber ring (30) is subsequently installed to a cylindrical projection (15) that is formed on a rearmost body section (3c) - see, Col. 5, lines 34 through 36 of the '574 patent to Terada: “[when] the rubber ring 30 is mounted around the projection...”. (emphasis added). Furthermore, the rubber ring (30) includes an inwardly opening groove (33) that is sealed by the outer periphery of the projection (15). If the rubber ring (30) were to be overmolded as alleged by the Office, it is not clear how the inwardly opening groove (33) were to be formed.

In view of discrete and independent nature of the rubber ring disclosed in the '574 Terada patent, Applicant submits that the '574 patent to Terada lacks an overmolded seal and as such, does not teach or suggest Applicant's invention. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of Claims 1 and 9 under 35 U.S.C. §102(b). Applicant notes that Claims 2 through 8, 23 and 25 depend from Claim 1 and as such, should be in condition for allowance for the reasons set forth for Claim 1, above.

Applicant notes that Claims 10 through 15, 24 and 26 depend from Claim 9 and as such, should be in condition for allowance for the reasons set forth for Claim 9, above.

### CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this

application, the Examiner is invited to telephone the undersigned attorney at (248) 641-1600.

Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,



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### Attachment for Claim Amendments

Application Serial No. 09/963,905

HD&P Ref. 0275D-000435

Inventors: Hagan et al.

Filed: September 26, 2001

The claims have been amended as follows:

1. (Twice Amended) A portable power tool comprising a housing structure and a secondary structure, the housing structure having a molded portion for at least partially housing a motor assembly of the portable power tool, the housing structure also including an overmold portion [.] that is formed from a resilient material and [at least partially] molded onto at least a portion of the molded portion, the overmold portion defining a seal portion that is configured to engage the secondary structure to form a seal between the molded portion and the secondary structure.

9. (Twice Amended) A portable power tool comprising a housing structure and a secondary structure, the housing structure having a molded portion for at least partially housing a motor assembly of the portable power tool, the housing structure also including an overmold portion that is formed from a resilient material and at least partially molded onto the molded portion, the overmold portion defining an insulator portion that is configured [for contacting] to contact the [second] secondary structure and [dampening] dampen vibrations that are transmitted between the [structural] molded portion and the [second] secondary structure.

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